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AUTHOR Mayfield, Craig K.
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ABSTRACT

This paper describes the development of a reading and study skills course for law students at Brigham Young University. A study technique called the "FAIR Method" helps students look for the following common elements in all law cases: the facts on which resolution of the dispute turns, the action or classification of the dispute (such as assault and battery, negligent homocide, etc.), the issue (what the court decides) around which all other elements develop, and the reasons that the court gives for its decision. Although this course is the only freshman reading course in the nation that is offered for credit toward the Juris Doctors degree, it is concluded that any college reading program could establish a similar course for law students. (Author/RL)

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Teaching Reading and Study Skills to Law Students: The FAIR Method

Much information is being published on reading in content areas, with very little for graduate schools and nothing for law students. Vacca (17) discussed the importance of reading readiness in content areas; Bergman (4) explained how he is attempting to integrate students' reading skills instruction with the content area instruction; Bergengause and Lowerthal (3) and Cherington (6) discussed reading in nine different college subjects; Adams (1) wrote an entire book on reading in the humanities; Brown and Adams (5) wrote a book on reading in the social sciences; Judsen (7) included one chapter in his book to cover reading in many general subject areas, such as natural science, history and business; and Tomlinson and Green (16) presented an excellent paper at the 1976 Western College Reading Association entitled "Integrating Adjunct Reading and Study Classes with the Content Areas."

From the many articles, books, and conference talks I see the great need for teaching reading in content areas, including law. With this encouragement and armed with a one page proposal for starting a

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reading and study skills course at the Brigham Young University law school, I contacted the assistant dean in charge of academics and discussed the proposal with him. He was very enthusiastic about the course and gave his approval to begin a reading and study skills class for law students--experimentally, of course. We posted a notice on the law school bulletin board stating that twenty-five students were needed to start a study skills and speed reading class just for law students. No credit could be given, however, since it was an undergraduate class. One hundred and twenty-two students signed up. A detailed account of the course is found in Mayfield (11).

It is important to note that the course was organized, planned, and taught by a reading instructor, not a law professor. The instruction was the same as any college reading and study skills course except that the reading material used was law cases and law articles; however, some special reading methods were incorporated into the course. These will be discussed later.

During the class, the law students freely discussed the cases with each other after reading them. As they discussed the cases among themselves, they began to discern certain common elements in most of the cases. However, as we discussed the cases in the class, we could not agree immediately on which elements were included in all cases. I discussed this with a number of law professors. They seemed surprised and impressed that one outside the law profession would have the ability to analyze law cases, and identify certain basic elements in them. If these elements could be identified and taught in the reading course, in addition to helping the students read faster and improve their comprehension, the course would then perform an even greater service to these law

students. The faculty and administration became very supportive to the program. Together we identified four basic elements found in all law cases:

1. Facts: Although there are many facts in every case, facts here refers only to those relevant facts the resolution of the dispute turns on.
2. Action: Action is a classification such as assault and battery, negligent homocide, second degree murder, etc.
   Llewellyn (8) states the action as "A statement of the precise way the question has come before the court--which includes what the plaintiff wanted below, and what the defendant did about it, the judgment below, and what the trial did that is complained of."
3. Issue: Issue, what the court is deciding, is the most important element of any case since all other elements develop around the issue.
4. Reasons: In every case the court gives its reasons for why it decided as it did.

Full understanding of any case results only from seeing each of the above elements and how they fit together.

The "FAIR" reading method resulted from taking the first letter from each of the above elements.

Reading and study skills teachers at the college level are familiar with certain study techniques such as Robinson's (13) SQ3R method, Spache and Berg's (12) PQRST method, Staton's (15) RSVP method, and Norman's (12) OARWET method, to name but a few. The FAIR method lends itself to

these study techniques.

Most reading programs begin with the preview step. Adler (2) emphasized that when students preview a difficult book (as with law students previewing a case) they should rapidly read the entire book without stopping, even though they might not understand all of the concepts. Then they should go back and reread it for details (or, in a law case, read for the basic elements). Greater comprehension is thus realized in less time than results from one slow reading.

Following the preview, the students are instructed to read to answer questions. Research, such as Maxwell (9), points out that comprehension is higher and retention longer when reading is done to answer questions. In reading law cases, the composite question would be, "What are the facts, action, issue, and reasons in the case?"

When a law student finishes reading a case, he writes a "brief" to help him review it at a later date. Robinson's (13:32) SQ3R method states "read to answer that question, and recite the answer by jotting down cue phrases in your outline." Norman (12:55) also emphasizes writing notes, "The Write phrase of OARWET helps you see the organization underlying what you are reading...and provides you with an excellent source of review material." We suggest three different ways law students might write briefs, Mayfield (10).

Because law students, like many undergraduates, often don't like to take the time to write briefs for every law case they study, an easier method was devised. Willmore (18), in a study done comparing underlining, outlining, reading, and the SQ3R method found that underlining was the

fastest method and that those who used underlining scored higher in tests than those who used the other three methods. With this in mind, we recommended that as law students read a case and come to a fact, action, issue, or reason, they put an "F", "A", "I", or "R", in the margin and underline a word or phrase in the case that the letter referred to. When reviewing the case at a later time, the student could move down the margin, find the letters, "F", "A", "I", or "R", and read the part that was underlined without having to reread the entire case. This way many cases could be reviewed in a very short time.

Each step of the common study technique is being accomplished: beginning with the initial preview, reading to answer questions, writing a brief, and concluding with the final review.

Another interesting aspect of the course is that it offers one semester-hour credit. Originally, since the course was a freshman course, the law students couldn't use the credit. But students who took the experimental course were so impressed with their reading and studying progress that they requested the law school curriculum committee to investigate the course for possible credit toward the Juris Doctors (J.D.) degree. The committee did investigate and have given their approval for the course to apply toward the J.D. degree.

The course is so popular that two sections are taught every semester through the Evening School program. The instructor receives an extra stipend.

We believe that any college reading and study skills program could teach a reading course for law students using the same reading methods used in the reading program, but using law cases and law articles.

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